

(2) Flag protection against following trains on the same track is not required if—

- (i) The rear of the train is protected by at least two block signals;
- (ii) The rear of the train is protected by an absolute block;
- (iii) The rear of the train is within interlocking limits; or
- (iv) A train order specifies that flag protection is not required.
- (v) A railroad operates only one train at any given time.

(b) Each railroad shall designate by timetable or other instruction for each territory the specific distance which a crew member providing flag protection must go out in order to provide adequate protection for his train.

(c) Whenever the use of fusees is prohibited by a Federal, State or local fire regulation, each railroad operating within that jurisdiction shall provide alternate operating procedures to assure full protection of trains in lieu of flag protection required by this section.

[42 FR 5065, Jan. 27, 1977, as amended at 42 FR 38362, July 28, 1977]

#### **§218.39 Hump operations.**

After June 30, 1984, each railroad that operates a remote control hump yard facility must have in effect an operating rule that adopts the following provisions in substance:

(a) When a train or engine service employee is required to couple an air hose or to adjust a coupling device and that activity will require that the employee place himself between pieces of rolling equipment located on a bowl track, the operator of any remotely controlled switch that provides access from the apex of the hump to the track on which the rolling equipment is located shall be notified;

(b) Upon such notification, the operator of such remotely controlled switch shall line it against movement to the affected bowl track and shall apply a locking or blocking device to the control for that switch; and

(c) The operator shall then notify the employee that the requested protection has been provided and shall remove the locking or blocking device only after being notified by the employee that

protection is no longer required on that track.

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); sec. 1.49(m) of the regulations of the Secretary of Transportation (49 CFR 1.49(m))

[49 FR 6497, Feb. 22, 1984]

#### **§218.41 Noncompliance with hump operations rule.**

A person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who fails to comply with a railroad's operating rule issued pursuant to §218.39 of this part is subject to a penalty, as provided in appendix A of this part.

[53 FR 52928, Dec. 29, 1988]

### **Subpart D—Prohibition Against Tampering With Safety Devices**

SOURCE: 54 FR 5492, Feb. 3, 1989, unless otherwise noted.

#### **§218.51 Purpose.**

(a) The purpose of this subpart is to prevent accidents and casualties that can result from the operation of trains when safety devices intended to improve the safety of their movement have been disabled.

(b) This subpart does not prohibit intervention with safety devices that is permitted:

(1) Under the provisions of §236.566 or §236.567 of this chapter;

(2) Under the provisions of §218.61 of this part; or

(3) Under the provisions of §229.9 of this chapter, provided that when a locomotive is being operated under the provision of §229.9(b) a designated officer has been notified of the defective alerter or deadman pedal at the first available point of communication.

[54 FR 5492, Feb. 3, 1989, as amended at 58 FR 36613, July 8, 1993]

#### **§218.53 Scope and definitions.**

(a) This subpart establishes standards of conduct for railroads and individuals who operate or permit to be operated locomotives equipped with one or more of the safety devices identified in paragraph (c) of this section.